

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. **SACV 11-01056-JVS(ANx)** Date June 21, 2012

Title **Universal Electronics Inc. v. Logitech, Inc., et al.**

Present: The Honorable James V. Selna

Karla J. Tunis

Not Present

Deputy Clerk

Court Reporter

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Not Present

Not Present

Proceedings: (IN CHAMBERS) Order to Show Cause (“OSC”) Why Possible Compulsory Counterclaim Should Not Be Allowed to Be Pled

Plaintiff and counterdefendant Universal Electronics, Inc. (“UEI”) previously sought to modify the current scheduling order and for leave to amend its answer, defenses, and counterclaims to defendants and counter-claimants Logitech, Inc.; Logitech International S.A.; and Logitech Europe S.A. (“Logitech”)’s counterclaims. (See Order on Leave to Amend (“LTA Order”) 1, Docket No. 101.) It sought to add a counterclaim for declaratory judgment of unenforceability of one of Logitech’s asserted patents. The Court denied UEI’s motion because it failed to establish good cause for modifying the scheduling order. (*Id.* at 7.) Subsequently, UEI filed a new cause of action, Case No. SACV 12-583 JVS (ANx) (“Related Case”) alleging a single cause of action for declaratory judgment of unenforceability of the same patent. (Related Case Compl. ¶¶ 14-52, Related Case Docket No. 1.) Logitech moved to dismiss the claim on the grounds it was a compulsory counterclaim to this action that UEI has waived and thus the Court lacks subject matter jurisdiction. (Related Case Docket No. 10.) UEI opposes, contesting the compulsory nature of a claim for patent unenforceability to an infringement cause of action. (Related Case Docket No. 14.)

Logitech is ordered to show cause in writing no later than June 25, 2012 why, if the Court finds the unenforceability claim is a compulsory counterclaim, UEI should not be allowed to assert it in this case.

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Additionally, the Court will continue the hearing on the motion to dismiss the Related Case to July 2, 2012 by separate order.

IT IS SO ORDERED.

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